

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3, 8, 10 and 11 are pending in the application. Claims 1, 3, 8 and 10 are amended; Claims 2, 5 and 7 are canceled; and Claim 11 is added by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.<sup>1</sup> No new matter is presented.

In the outstanding Office Action, Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Hashimoto (U.S. Patent No. 6,704,054); and Claims 2, 3, 5, 7, 8 and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Hashimoto in view of Nonaka (U.S. Patent No. 6,366,736).

In response to the above noted rejections, Applicant respectfully submits that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 recites, in part, an image capturing apparatus including a ranging device configured to measure a subject distance to an subject, a first auto focusing device which is a charged coupled device auto focus (CCDAF), and a second auto focusing device which is an AF including the ranging device configured to obtain a focusing condition according to the subject distance obtained by the ranging device. A controlling device of the image capturing apparatus is configured to switch between the first auto focusing device and the second auto focusing device according to the subject distance obtained by the ranging device. Independent Claim 1 is amended herein to recite:

...said controlling device is configured to carry out an evaluation in a peripheral focusing range of a focusing condition which corresponds to said subject distance obtained by said ranging device, and set said peripheral focusing range

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<sup>1</sup> e.g., specification, original Claim 7 and pp. 23-24.

according to a comparison of a distance difference between a maximum distance to each part of the subject and a minimum distance to each part of the subject to a predetermined value  $D1$ , and

said controlling device is configured to switch between said first auto focusing device and said second auto focusing device according to a presence or absence of a peak evaluation value  $C_{max}$  in said peripheral focusing range.

Support for the above noted features can be found at least at pp. 23-24 of the specification. It should further be noted that independent Claim 1 is amended to incorporate a portion of the subject matter of dependent Claim 7.

In rejecting dependent Claim 7, p. 4 of the outstanding Office Action admits that Hashimoto fails to teach or suggest “that the controlling device controls the first auto focusing device so as to carry out an evaluation in a peripheral focusing range of a focusing condition which corresponds to the subject distance obtained by the ranging device, and sets the peripheral focusing range in accordance with the subject distance.” In an attempt to remedy this deficiency, the Office Action relies on Nonaka, and states that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to arrive at Applicant’s claims. Applicant respectfully submits that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied references.

Nonaka describes a distance measuring apparatus for a camera capable of deciding priority between a plurality of AF types under various shooting conditions. Nonaka’s device uses two types of AFs: an active type AF whereby a distance to the subject is measured based on a signal generated by reception of reflected signal light from a subject, and passive type AF whereby a distance to the subject is measured using a light reception signal.<sup>2</sup>

Nonaka, however, fails to teach or suggest a controlling device that “sets said peripheral focusing range according to a comparison of a distance difference between a

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<sup>2</sup> Nonaka, Abstract.

maximum distance to each part of the subject and a minimum distance to each part of the subject to a predetermined value D1,” and “switches between said first auto focusing device and said second auto focusing device according to a presence or absence of a peak evaluation value  $C_{\max}$  in said peripheral focusing range,” as recited in amended independent Claim 1.

In rejecting the features directed to setting a peripheral focusing range as previously recited in dependent Claim 7, the Office Action cites Fig. 3A, col. 5, line 60-col. 7, line 26 and col. 8, lines 6-38 of Nonaka. This cited portion of Nonaka describes a process for measuring the distance to a subject object in both telephoto and wide-angle settings. Specifically, Fig. 5 of Nonaka describes a series of focusing steps that are performed based on distance measurements of each of the subject, and at left and right viewing points, which are fixed points in relation to the viewfinder of the camera.

Thus, as depicted in Fig. 3A of Nonaka, the left and right viewpoints are the same during each operating of the camera, and are not set *“according to a comparison of a distance difference between a maximum distance to each part of the subject and a minimum distance to each part of the subject to a predetermined value,”* as recited in amended independent Claim 1.

Further, Claim 1 is amended to recite that the controlling device “switches between said first auto focusing device and said second auto focusing device according to a presence or absence of a peak evaluation value  $C_{\max}$  in said peripheral focusing range.”

As noted above, Nonaka simply describes a focusing process that determines a range at which to focus based on a distance relationship between a plurality of points (i.e., subject and right and left points) and the mode in which the camera is operating. Nonaka fails, at any point, to teach or suggest that his device switches between a first focusing device and a second focusing device *“according to a presence or absence of a peak evaluation value  $C_{\max}$  in said peripheral focusing range,”* as recited in amended independent Claim 1.

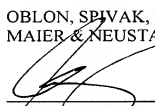
Further, as noted above, Hashimoto fails to carry out an evaluation in a peripheral focusing range, much less perform any of the additional features noted above with respect to amended independent Claim 1.

Accordingly, Applicant respectfully requests that the rejection of independent Claim 1 under 35 U.S.C. §102, and Claims 2, 3, 5, 7, 8 and 10 were rejected under 35 U.S.C. §103 be withdrawn. Further, Applicant respectfully submits that new dependent Claim 11 patentably defines over the applied references at least by virtue of its dependency on amended independent Claim 1.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-3, 8, 10 and 11 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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